

D 4308

D 4309

D 4310

D 4311

MEMORANDUM ON THE CASE OF  
BORN DJIA-FO AND TJONG KHIE-TIHONG.  
SECRET - NOT FOR PUBLICATION.

In 1911 an arrangement was arrived at between the Netherlands and the Chinese Governments to the effect that persons born in the Netherlands Colonies from parents established there, will if they travel to China, be considered Netherlands subjects provided they register themselves as such with a Netherlands Consulate within three months upon their arrival in China. The Consular officer concerned gives notice of this registration to the local authorities, at Shanghai to those of the Municipality of Greater Shanghai and of the International Settlement and the French Concession, whilst the Netherlands Legation sends the names of the persons so registered to the Chinese Central Government.

These registrations are effected only after complete documentary evidence has been produced by the applicants in support of their statements.

Some time ago two students (A) Born Djia-fo alias Wen Yu-wei (溫玉偉) born at Bajah, Borneo, 18 years of age and (B) Tjong Khie-tihong alias Chang Kuei-mei (張奇才) born at Kijau, Borneo, 18 years of age, arrived in Shanghai and duly reported themselves for registration at the Netherlands Consulate General at Shanghai. They presented "Verklaring van Ingevoerdheid" (Declaration of Naturalization) issued (A) by the head of the local government of Borneo on 28 May 1912, No. 100, and (B) the same authority at Kijau on 2 June 1912, No. 104, whereas (A) had a passport No. 10 issued by the Consulate at Bajah on 2 June 1912, stating both in the Dutch and Chinese that he was a Netherlands subject.

These cases are mentioned in the report of the Dutch Consulate at Shanghai, dated 10 October 1912, and in the report of the Dutch Legation at Shanghai, dated 10 October 1912.

letters of 18 April 1932 and 12 November 1932, No's 1184 and 3152.

On the 30th of November a certain Boeng San-fong (黃士芳) also a Netherlands' subject, and a student at the Chinan school, arrived at the above Consulate General with a letter from the two boys, written in pencil on Chinese toilet paper, stating that they had been arrested by the Bureau of Public Safety at the request of the school authorities and that they were detained there for about one month. They asked Boeng to notify the Netherlands Consulate, and to borrow some money wherewith to buy food for them.

On the first of December Mr. van den Berg called on Mr. Yui Hung-chun, the secretary of the Mayor, asking him to take immediately the necessary steps to have the boys brought to the Netherlands' Consulate General for hearing and to send at the same time such evidence as could be produced to substantiate the crime for which they had been detained.

Mr. Yui contended that according to the Chinese Nationality Law the boys were Chinese citizens as they could not produce evidence that they had obtained permission to renounce their Chinese nationality.

It was pointed out to him that according to the arrangement made between the former Kai Fu Fu and the Netherlands Minister at Peking in 1921 the Chinese Government had given its formal approval to the procedure whereby regularly lists were to be supplied to the Chinese authorities of those persons who had registered themselves with the Netherlands Consular authorities in China; the Kai Fu Fu's note stating: "It appears that the Netherlands Government is now in a position to supply the Chinese authorities with the necessary information regarding the nationality of persons who have registered themselves with the Netherlands Consular authorities in China."

Mr. Yui was told, that in order to change nationality law, that that law could not violate an international agreement.

He nevertheless refused to hand over the boys in question, but promised to ask instructions from Nanking.

Two days later, 3 December, Mr. Bijvanck, then acting Consul-General, called on the Mayor, who assumed the same attitude as Mr. Yui, and also said that he had to await instructions. When asked for what reason the boys were detained, the Mayor stated that they were suspected of efforts to establish a nucleus of the Communist Youth Organisation amongst the students of the Chinese School.

So far however not the slightest evidence to that effect has been produced.

The matter was duly referred to the Netherlands Minister at Peking, who telegraphed the Chinese Government on 9 December, asking that the Shanghai Authorities be instructed to hand over the prisoners immediately to the jurisdiction of the Netherlands Consulate-General, and on 14 December telegraphed again to that effect. Instructions were also received by the Netherlands Consulate General to notify the Mayor of the steps taken by the Netherlands Minister and to protest against the unlawful detention of the boys. On 18 December Mr. Groenman visited the acting Mayor, Mr. Yui, and left him an aide-memoire, by way of formal protest. It was intimated during this visit that the Bureau of Public Safety might release the boys on security. The next day a note was sent to the Netherlands Consulate General, signed by the Mayor stating a.s.f.

- Considering that Koon and Yung are young and helpless
- little to resist, I decided to hand them over to their
- parents for proper education. The Bureau of Public
- Safety was accordingly instructed to grant their release
- under a reliable guarantee for their repatriation.
- Shortly after noon, when they are to be handed over to
- the custody of their parents, the said Bureau has



" reported that the boys have been released under a  
" guarantee from the Chinan University."

On 16 December the boys were released and this is the  
gist of their statements made to the Netherlands Consulate  
General :

" Mr. Chen Hon-nien, Dean of the Chinan School decided to  
separate the Middle School from the College, and to have  
the Middle School split in two branches, one at Canton  
and one at Soochow, whereas free tuition granted to  
students taking the Normal Course in the middle school  
was to be discontinued.

Opposition to this scheme was ~~xxx~~ raised by the students,  
who were of opinion that the accommodation at Soochow  
and at Canton was insufficient and that they wished to  
continue the privilege granted to normal course students.  
They declared a strike and the school authorities had  
to give in. Chen was suspected of being one of the  
ringleaders of the strike and he was therefore suspended  
from attending the school for a period of one year. He  
subsequently had to leave the premises of the school and  
took up his abode at the house of Tjang, who was studying  
at the Middle School. Tjang had a quarrel with one of  
his teachers on account of the latter having censured one  
of the letters he had sent out, and in which he had cri-  
tiqued the school.

On 27 October 1931, Chen, whilst he was on his way home  
from a visit to the school director, who attended his case,  
was suddenly arrested by plain clothes detectives  
from the Bureau of Public Safety, bundled into a motor  
car, and brought to the Central Station at Tientsin Pk.

He was arrested on the ground of disturbance of  
public order. All his claims to Netherlands

subjectship were ignored from the very beginning and he was during all the time of his detention from 27 October till 15 December, only brought once before the Police Court on the 29th of October, when he was asked, when he did join the Communist Party. On answering that he had no knowledge of such a thing he was brought back again to the detention room. "

"Tjong was arrested on 31st October on the premises of the school near the gate in the same abrupt manner, and also brought by motor car to the Central Station. He was also searched and his papers were seized. Likewise his claim to be sent to the Netherlands Consulate General was ignored. On 3 November he was brought before the Police Court, where he was asked whether he had joined the Communist Youth Organisation. He denied all knowledge of such an organisation and was also brought back to the detention room. "

The property of both Been and Tjong was also seized by the Bureau of Public Safety at their home, but so far nothing has been found on them or otherwise produced which might tend to show that they had any affiliation with the Communist Party. Their property was released only after considerable difficulties, and upon a guarantee from the School.

Both Been and Tjong upon their release from detention were dismissed from the school.

The letter from the authorities of the School to the Bureau of Public Safety on which their release was effected reads as follows :

" We have that you will permit the release of Been and Tjong, former students of this school, under guarantee. Therefore we want to know to what the authorities and to what extent you will allow the boys to be released on that

they can be sent back to their home and handed over to their parents for admonition."

There is no doubt that discipline at the Chinan School is entirely lacking and that the students constitute an unruly lot. Boen and Tjong's denial that they had no part in the troubles that were created there is hardly acceptable, but there is no gain-saying the fact that the way in which the school authorities handle the machinery of the Bureau of Public Safety is bound to create and a feeling of opposition against all authority and forces hot tempered, badly paid students into the ranks of subversive elements.

Shanghai, 24th December 1932.



No. D 4308

Date 17/12/32

The Shanghai Evening Post & Mercury, Friday, December 16, 1932

## Netherlands Consul General Asks Alleged Reds' Release

Claiming that the two students of the Chinan University, Changhai, arrested by the Bureau of Public Safety as communist suspects, are Dutch citizens, Mr. F. E. H. Groenman, local Consul-General for the Netherlands, lodged a protest with the City Government of Greater Shanghai yesterday afternoon. Their handing over to the Netherlands consular authorities is demanded.

The students, Wen Yu-ho and Chang Chi-tai, are stated to have been born in Java, Netherlands East Indies and are naturalized Dutch citizens. Mr. Groenman pointed out in his document to the City Government, "Arrested several days ago on charges of being communists, they should be handed over to the Netherlands consular authorities inasmuch as they enjoy extraterritorial rights," he contended.

Mr. O. K. Yui, secretary general of the City Government of Greater Shanghai, received Mr. Groenman in the absence of Mayor Wu Tschien, who is attending the Third Plenary Session of the Kuomintang Central Executive Committee in Nanking. Mr. Yui replied that under the Chinese naturalization law, naturalization documents are held invalid unless the subject in question has previously addressed the Ministry of Interior renouncing Chinese citizenship.

In the case of the two students, Mr. Yui continued, the City Government continues to consider them as Chinese citizens until they produce papers showing that their application for renunciation of Chinese citizenship are produced. The students, meanwhile, are being detained at the Bureau headquarters, Nantao, pending the outcome of the negotiations.

*die 8. B.*

*17/12*

*Reg. Please attach  
file.*

*17.12.32*

*by Attached*

*File*



4308

12.12.32

December 12 32.

Dear Van den Berg,

I have to inform you that Wen Yu Wao (溫裕和) and Chang Kee Zai (張奇才), two students of the Chinan University, Chenju, who are Netherland subjects, are at present detained in the headquarters of the Public Safety Bureau. The officials of the Public Safety Bureau state that they have no evidence against the two students who were arrested on a charge of being Communists, and suggest that a request be addressed to Mayor Wu Te-chen for their release.

Yours sincerely,

*JMB*

J. Van den Berg, Esq.,

Netherlands Consulate-General.

*Sept. 1932*

*Please ascertain the exact terms in which these students will be released.*

*JMB*

14.12.32

Boen Ojie-p (福裕和) born at  
~~Kato~~ Ojebos, Bante, 16 years.  
Gjong Khe-tjhoj (張奇才) born at  
Blinjoe, Bante, 15 years

Chief Clerk Bureau Publ Safety  
Tatung Hen.

arrested at investigation of Chen Hou men  
sub of articles.

剪洪年

Dean  
China School

Supt. Jan,

The Netherlands Consular  
Authorities would be obliged  
if we could ascertain the  
charge against these boys the  
proof in possession of the Bureau  
of Public Safety, and how  
the matter stands at  
present. Kindly assist  
if possible.

JH

8:12:32

SHANGHAI MUNICIPAL POLICE.

REPORT

Station,

Date.....19

Subject (in full)

Made by

Forwarded by

- 2 -

3. Peace and Good Order :

a) Articles prohibited by the Municipality.

b) Advertisements of an illegal nature.

c) Articles sufficient to instigate illegal actions.

d) Articles sufficient to cause a panic in the community  
thereby disturbing the peace and order.

|| e) Articles insulting to any person in Authority.

f) Articles on reactionary organizations.

R. W. Mac edie

D.

S.

Officer i/c Special Branch.

*[Handwritten signature]*

9:12:22